

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

EUGENE P. PATTERSON

§

VS.

§

CIVIL ACTION NO. 1:10-CV-225

THOMAS J. BURBANK

§

MEMORANDUM ORDER OVERRULING PETITIONER'S OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Petitioner Eugene P. Patterson, a federal prisoner currently confined at the Liberty County Jail, proceeding *pro se* and *in forma pauperis*, filed this petition for writ of mandamus pursuant to 28 U.S.C. § 1651.

The court ordered that this matter be referred to the Honorable Earl S. Hines, United States Magistrate Judge, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends denying the petition.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Petitioner filed objections to the magistrate judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes the objections are without merit. Petitioner has not met the standards for a writ of mandamus. Because he does not have the right to be housed at the facility of his choice, the Bureau of Prisons does not

have a duty to transfer him. Further, petitioner does not have a right to have the writ of habeas corpus ad testificandum rescinded.

ORDER

Accordingly, petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED this the **13** day of **August, 2010**.

A handwritten signature in black ink, appearing to read "Thad Heartfield", is written over a horizontal line.

Thad Heartfield
United States District Judge